GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment - R & B Department - Andhra Pradesh Public Service Commission - Direct recruitment to the post of Assistant Executive Engineer – Permission accorded to E-in-C (R&B) Admn to fill up the selected candidate i.e. Smt. D.Manjula, in Suppl. Notification No. 41/11 to 31/11, in the available existing vacancies of A.E.E., R&B Dept. in compliance with the orders of Hon'ble High Court of Andhra Pradesh in W.P. No.45459/2016, dt:06.11.2008 – Orders -Issued

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TRANSPORT ROADS & BUILDINGS (Ser) DEPARTMENT

G.O.RT.No. 232 Dated: 19-09-2019
Read the following:

1. Orders of the Hon'ble APAT dt. 28.11.2014 in OA No.9983/2012, OA No.553/2013, OA No.2584/2013 with MA No.1758/2013, OA No.2655/2013, OA No.2681/2013 with MA No.1587/2013 and OA No.3072/2013 filed by Sri R. Venkateswarlu, S/o Late Kotaiah, Hyderabad and others.
2. From Prl. Secy. APPSC, Hyd, Lr. No.13/RS-20/AEE/2015, dt:19.02.2016, 19.04.2016, 30.06.2016.
3. From Prl. Secy. APPSC, Hyd, Lr. No.13/RS-20/AEE/2015, dt. 31-12-2018.
4. Orders of Hon'ble High Court of AP in WP No.45459/2016, dt. 06.11.2018.
5. From ENC(R&B)Admn., Vijayawada, Lr.No.4693/Ser.III(1) /2019, dt:15.03.2019.

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ORDER:

The A.P. Public Service Commission, Hyderabad in its Supplementary Recruitment notifications No.17/2010 to 36/2008 and 41/2011 to 31/2011, while recruiting the posts of Assistant Executive Engineers with B.Tech (Civil) qualification withhold certain candidates those who acquired B.Tech Civil (Construction Management) from Indira Gandhi National Open University (IGNOU). Subsequently, those vacancies were filled up in other notifications . Aggrieved by this, the affected persons viz. Sri R.Venkateswarlu and 3 others have filed O.A.No. 9983/2012 in the Hon'ble APAT with a prayer to consider their candidature to the post of AEE in I&CAD Deptt., GoAP in accordance with the selection Notification dt. 28.6.2012 by APPSC in connection with Suppl. Notification 17/2010 dt. 2.10.2010 to notification No. 36/2008 dt.30.12.2008.

2. Smt. D. Manjula and 6 others have filed O.A. No.2681/2013 in APAT with a prayer to direct the respondents to consider and appoint the applicants to the post of Assistant Executive Engineer in pursuance of Notification No.31/2011, dt:27.12.2011 read with Suppl. Notification No.41/2011, dt:29.12.2011 issued by APPSC, treating the B.Tech in Civil (Construction Management) issued by Indira Gandhi National Open University (IGNOU) as the requisite qualification under the Rules framed under Article 309 of Constitution of India for the post of AEE in the state of A.P.

3. In the reference 1st read above, the Hon'ble APAT in its common orders Dt:28.11.2014, in O.A.No.9983/2012 & Batch cases, has directed the Respondents to treat the B.Tech (Civil - Construction Management) Degree obtained by the applicants from IGNOU as equivalent to B.Tech in Civil Engineering Degree of a recognised University and then consider their cases for appointment on the basis of their merit in the written examination/Interview conducted under Suppl. Notification No.17/2010, dt:22.10.2012 to Notification No.36/2008, dt:30.12.2008 and Suppl. Notification No.41/2011, dt:29.12.2011 to Notification No.31/2011, dt:27.12.2011, for the post of AEEs in Roads & Buildings Department.

(P.T.O)

4. Aggrieved by the above, the APPSC has filed WP No.45459 of 2016, against the orders of Hon'ble APAT, dated:28.11.2014 in OA No.9983 of 2012 & O.A.No.2681 of 2013 and batch cases.

5. In the reference 2nd read above, the A.P. Public Service Commission, has requested the Government of A.P., to arrange for creation of supernumerary posts of (5) AEEs i.e. (3) posts in I&CAD Dept., (1) post in R&B Dept., (1) post in RWS&S Dept. or to permit them for filling up of the candidates in the fallout vacancies from the fallout vacancies (in contrary to rule 6 of Commission's rules of procedure), to do justice to the candidates and to avoid further legal complications.

6. In the reference 3rd read above, the APPSC has informed the Govt., that the Hon'ble High Court of Andhra Pradesh, have delivered its verdict on 06.11.2018, which is as follows:

> "In the light of the above facts, both the aspects raised in this writ petition, which were decided in favour of respondents 1 to 7 by the Tribunal, stand settled. No issue survives, therefore, for fresh consideration at this stage.
>
> The writ petition is accordingly dismissed. Interim order dt. 22.10.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs."

7. In the reference 5th read above, the Engineer-in-Chief(R&B)Admn., Vijayawada has requested the Government to consider Smt D.Manjula for appointment to the post of Assistant Executive Engineer in the present 3 net vacancies of Zone-I in pursuance to the Hon'ble High Court orders Dt:06.11.2018.

8. Government, after careful examination, have decided to consider the proposal of Andhra Pradesh Public Service Commission for filling up of (1) Assistant Executive Engineer post in Roads & Buildings Dept., in the available existing vacancies and hereby accord permission to the Engineer-in-Chief(R&B), Administration Vijayawada, to accommodate Smt D.Manjula, who is selected to the post of Assistant Executive Engineer, vide Suppl. Notification No. 41/11 to 31/11, in Roads & Buildings Department, with B.Tech Civil (Construction Management) Qualification acquired through correspondence course, in the existing vacancies of Zone-l, in compliance with orders of the Hon'ble High Court Orders dated 06.11.2018, in WP No.45459/2016.

9. The Engineer-in-Chief (R&B) Administration, Vijayawada shall take necessary further action accordingly.

10. This order issues with the concurrence of Finance (FMU.TR&B) Deptt., vide their U.O.No. 31021/85/ FMU.TR&B/2019, Dt.19.08.2019.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.T.KRISHNA BABU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief(R&B),Administration, A.P., Vijayawada
Copy to:
The Principal Secretary, Andhra Pradesh Public Service Commission,Vijayawada
The Finance (FMU.TR&B) Department
Sf/Sc.

//FORWARDED:BY ORDER//

SECTION OFFICER